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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KW
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NANCY SMITH

v.
BROADWING COMMUNICATIONS,
INC. F/K/A IXC COMMUNICATIONS

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CASE NO. A 01CA 442 SS

FILED

MAR 26 2002

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KW
DEPUTY CLERK

DEFENDANT'S RULE 26(a)(3) PRETRIAL DISCLOSURES

Pursuant to Rule 26(a)(3), Defendant Broadwing Communications, Inc. f/k/a IXC Communications (whose correct name is Broadwing Communications Inc.) (hereinafter "Defendant" or "Broadwing"), submits the following information regarding the evidence that it may present at trial other than solely for impeachment purposes:

- A. **The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises;**

(1) Witnesses Defendant expects to present:

Diane Nance (potentially by deposition)¹
2500 Pleasant Hill Road, Apt. 2113
Deluth, Georgia 30093
(770) 476-0908
(708) 205-6629

¹ Defendant expects Ms. Nance to appear in person at trial. However, because Ms. Nance is not an employee of Defendant and resides outside the area in which a trial subpoena may be issued, Defendant notes that Ms. Nance may potentially testify by deposition.

Philomena Walsh (potentially by deposition)²
31 Guzzwell Drive
St. John's New Finland
A1A3W9
(709) 754-7007
(709) 739-2927

Patricia Zimmerman
1122 Capital of Texas Highway South
Austin, Texas 78746-6426
(512) 742-5838

Gordon P. Williams, Jr.
1122 Capital of Texas Highway South
Austin, Texas 78746-6426
(512) 742-7140

Melinda K. Figeley
1122 Capital of Texas Highway South
Austin, Texas 78746-6426
(512) 742-3700

(2) *Witnesses Defendant may call if the need arises:*

Nancy Smith
Address Unknown
Phone Number Unknown

Nancy Murrah
8306 Pleasant Chase Road
Jessup, Maryland 20794
Phone Number Unknown

Catherine J. Matousak
Address Unknown
Phone Number Unknown

² Defendant expects Ms. Walsh to appear in person at trial. However, because Ms. Walsh is not an employee of Defendant and resides outside the area in which a trial subpoena may be issued, Defendant notes that Ms. Walsh may testify by deposition.

Dawn Lary
1101 Metric Boulevard
Austin, Texas 78758
1-888-434-7423
(512) 742-7423

Nick Gibson
4952 China Garden Drive
Austin, Texas 78730
(512) 342-2259

Shelly Long
21411 Coyote Trail
Lago Vista, Texas 78645
(512) 267-1209

Yolan Breedlove
7563 Longing Trail
San Antonio, Texas 78244
(210) 662-8607

Dennis Vanderhoof
1101 Metric Boulevard, Suite 821-A
Austin, Texas 78758
(512) 742-2734

Todd Snyder
16230 Copper Leaf Lane
Leander, Texas 78641
(512) 260-9660

Jim Fallon
1802 Miranda Drive
Copperas Cove, Texas 76522
(254) 578-1696

Rick Houk
1835 Kramer
Austin, Texas 78758
(512) 742-7910

Joseph Figo
670 Louis Henna Boulevard
Round Rock, Texas 78664
(512) 341-7489

Debbie Childress Maqueda
The Recruiting Source, Inc.
7487 NW Fourth Street
Plantation, Florida 33317
(954) 585-0266

Any other Custodian of Records, as necessary

Further Rebuttal Witnesses, as necessary

B. The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony;

(1) *Witnesses whose testimony Defendant expects to present by means of a stenographically recorded deposition:*³

Diane Nance
2500 Pleasant Hill Road, Apt. 2113
Deluth, Georgia 30093
(770) 476-0908
(708) 205-6629

Philomena Walsh
31 Guzzwell Drive
St. John's New Finland
A1A3W9
(709) 754-7007
(709) 739-2927

(2) *Witnesses whose testimony Defendant expects to present by means of a deposition that was not stenographically recorded:*

None.

C. An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises;

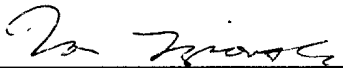
Documents and other exhibits Defendant expects to offer are identified in the list attached as Exhibit "A" hereto.

³ The testimony of Ms. Nance and Ms. Walsh will be presented by deposition only if those individuals fail to appear at trial.

Documents and other exhibits Defendant may offer if the need arises are identified in the list attached as Exhibit "B" hereto.

Respectfully submitted,

JACKSON WALKER L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Telephone: (512) 236-2000
Facsimile: (512) 236-2002

By: 
Matt Dow
State Bar No. 06066500
Thomas M. Lipovski
State Bar No. 00791121

ATTORNEYS FOR DEFENDANT BROADWING
COMMUNICATIONS, INC. F/K/A IXC
COMMUNICATIONS

CERTIFICATE SERVICE

This is to certify that on the 26th day of March, 2002, a true and correct copy of Defendant's Rule 26(a)(3) Pretrial Disclosures has been hand delivered to Scott F. DeShazo, Herman, Howry & Breen, L.L.P., 1900 Pearl Street, Austin, Texas 78705.

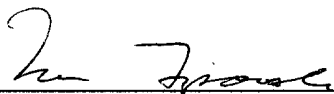

Thomas M. Lipovski

EXHIBIT "A" TO DEFENDANT'S RULE 26(a)(3) PRETRIAL DISCLOSURES

Exhibit Number	Exhibit Description
D1	Code of Business Conduct (Bates labeled D1-D10).
D2	Code of Conduct (Bates labeled D11-D19).
D3	Equal Employment Opportunity Policy (Bates labeled D22).
D4	Dismissal and Notice of Rights from the U.S. Equal Employment Opportunity Commission with respect to the Charge of Discrimination filed by Plaintiff (Bates labeled D55).
D5	Charge of Discrimination filed by Plaintiff (Bates labeled D62).
D6	Correspondence from Michele Megerle to Plaintiff dated January 22, 2001 (Bates labeled D68).
D7	EEOC affidavit of Philomena Walsh (Bates labeled D70-D72).
D8	Correspondence from Plaintiff to Michele Megerle dated August 16, 2000 (Bates labeled D79-D81).
D9	Affidavit executed by Plaintiff (Bates labeled D83-D84).
D10	Master Consulting Agreement between IXC Communications, Inc. and Protocol Telecommunications Services, Inc. dated July 29, 1999 (Bates labeled D103-D109).
D11	Document entitled "Computer Inquiries" (Exhibit 1 to Deposition of Nancy Smith).
D12	Plaintiff's Answers and/or Objections to Defendant's First Set of Interrogatories.
D13	Deposition on Written Questions to Tad Telecom and documents attached thereto (Bates labeled D301-D320).
D14	Deposition on Written Questions to Technology Staffing Resources and documents attached thereto (Bates labeled D281-D300).

EXHIBIT "B" TO DEFENDANT'S RULE 26(a)(3) PRETRIAL DISCLOSURES

Exhibit Number	Exhibit Description
D15	Anti-harassment policy (Bates labeled D20-D21).
D16	Participant's guide regarding presentation on promoting a harassment free workplace (Bates labeled D23-D41).
D17	Charge of Discrimination filed by Plaintiff (Bates labeled D63).
D18	Charge of Discrimination filed by Plaintiff (Bates labeled D64).
D19	Correspondence from Plaintiff to Michele Megerle dated January 29, 2001 (Bates labeled D67).
D20	Correspondence from Catherine J. Matousek to Michele Megerle dated October 26, 2001 (Bates labeled D75-D76).
D21	Texas Commission on Human Rights Intake Questionnaire regarding Plaintiff (Bates labeled D87-D90).
D22	Documents identified as "work product of Plaintiff, Nancy Smith, during her period of employment with IXC/Broadwing" in Plaintiff's Supplemental Disclosures and attached to Plaintiff's Supplemental Disclosures as "documents responsive to item number 3".
D23	Documents identified in Plaintiff's Supplemental Disclosures as "personal notes regarding Plaintiff's requests for computer" and attached to Plaintiff's Supplemental Disclosures as "documents responsive to item number 4".
D24	Charge of Discrimination filed by Doris J. Endsley
D25	Dismissal and Notice of Rights issued by the Equal Employment Opportunity Commission with respect to the Charge of Discrimination filed by Doris Endsley
D26	Affidavit of Nancy Smith (Exhibit 2 to Deposition of Nancy Smith)
D27	Any rebuttal exhibits.